Application No.: 10/623,671 Docket No.: 17073/004001

#### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and indicating that claims 4-9 contain allowable subject matter.

### **Disposition of Claims**

Claims 1-16 were pending in this application. Claims 10-16 have been previously withdrawn from further consideration. Please cancel claims 10-16 and claim 4, without prejudice or disclaimer. These claims are cancelled to put this case in conditions for allowance. The remaining claims depend, directly or indirectly, from claim 1.

## **Objections**

The specification is objected to for informalities. These informalities have been amended above. Thus, withdrawal of this objection is respectfully requested.

The claims are objected to for informalities. The claims have been amended above. Thus, withdrawal of this objection is respectfully requested.

## Rejections under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Admitted Prior Art ("APA"), in view of U.S. Patent 3,478,266 issued to Gardenhire *et al.* ("Gardenhire"). Applicant notes that page 3 of the Action indicates claims 1-9 are rejected under 35 U.S.C. § 103. However, the Examiner further indicates claims 4-9 are objected to on page 4 of the Action. A follow-up telephone conversation with the Examiner confirmed that "claims 1-9" was a typo and Examiner intended "claims 1-3" to be rejected under 35 U.S.C. § 103. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Independent claim 1 has been amended in this reply to incorporate all limitations of the original claim 4, which the Examiner noted as allowable if rewritten in independent form.

95304 5

Application No.: 10/623,671 Docket No.: 17073/004001

Therefore, claim 1, as amended, is patentable. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17073/004001).

Dated: 4/4/05

Respectfully submitted,

T. Chyau Liang, Ph.D.

Registration No.: 48,885 OSHA & MAY L.L.P.

1221 McKinney St., Suite 2800

Houston, Texas 77010

(713) 228-8600

(713) 228-8778 (Fax)

Attorney for Applicant



Application (if known): 10/623,671

Attorney Docket No.: 17073/004001

# **Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV562273484US in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on	April 4, 2005
	Date

Wan.	Geaux.
Signature	
. Ava R. Bro	wn
Typed or printed name of pers	on signing Certificate
Decident and the Manager of the Mana	T-lambasa Ni, mahan
Registration Number, if applicable	Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment (6 pages)

7